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ORIGIN

NO.: CA-8230, March 26, 1959,

VO-254

VO

INFO

SUBJECT: VISAS: Maintenance and Disposal of Visa Refusal Cases

REP

AF

Reference: Department's Circular Telegram 833 dated January 8, 1959

ARA

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TO: ALL AMERICAN DIPLOMATIC AND CONSULAR POSTS (EXCEPT CHIENGMAL, HUE, JERUSALEM AND POLAD CINCPAC, HONOLULU, T.H.), AND THE DISTRICT ADMINISTRATORS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, THE NAVAL ADMINISTRATOR OF THE SAIPAN DISTRICT, THE GOVERNOR OF AMERICAN SAMOA, AND THE EXECUTIVE SECRETARY OF THE CANAL ZONE.

As a part of the revised visa procedures which are being developed, the Department has determined the manner in which visa refusal cases shall be maintained and destroyed. Effective immediately, all posts are directed to carry out the instructions as outlined herein.

Visa refusal case files shall be considered in two categories. Category One shall consist of those cases which have been refused on the basis of Sections 212(a)(1), (2), (3), (4), (5), (9), (10), (12), (13), (17), (19), (22), (23), (27), (28), (29), and (31). Category Two shall consist of all cases which have been refused on any other grounds. Category One cases shall be retained in the consular refusal files indefinitely. Category Two refusal cases shall be retained in the consular refusal files for two years and are then to be destroyed.

The first step in reorganizing visa refusal files is to screen out all cases which fall into Category One. A Form FS-247 shall be prepared in duplicate on all refusals under this category. The Forms FS-247 shall bear the section of law on which the refusal was based. All forms for refusals made prior to December 24, 1952 shall contain also the corresponding section of law under the Immigration and Nationality Act of 1952. One of the Forms FS-247 shall be transmitted to the Department for possible inclusion in the Look-Out Binder, the other copy shall be attached to the top of the refusal file.

All Category Two refusal files dated prior to 1956 shall be destroyed. The remaining cases shall be marked for destruction as follows:

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Cases

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CLEARANCES:

SCA

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Cases refused in 1957 - D. 1960 (January)

Cases refused in 1958. - D. 1961 (January)

Cases refused in 1959 - D. 1962 (January)

All future Category Two refusal files should be marked for destruction at the time of the refusal.

A folder should be prepared for each refusal case, if none exist, and they should be arranged alphabetically by name. If the refusal file falls under Category One a letter "R", approximately 1/2 inch high, shall be stamped on the folder. If the refusal falls under Category Two the same size letter "D" followed by the destruction date shall be placed on the folder. It is suggested that Category One and Category Two cases be separated in the refusal file cabinet, thus eliminating any danger of permanent files being destroyed. This will further facilitate the destruction of the files at the beginning of each year.

Whenever a refused visa case under categories one or two is reconsidered on the basis of new evidence and a new decision is made, the period of retention of that file at the consular office shall be revised by changing the "D" date so that there shall be a new two year period of retention dating from the latest decision in the case.

In refusal cases involving x-ray films, the films should be returned to the applicant for his disposal. If he wishes to reapply for a visa at a later date. At consular posts having United States Public Health Units, the films and any other clinical evidence (not including Form FS-398), may be returned to the Public Health officials for their disposition.

Any post which is convinced that proper visa operations require longer retention than is provided herein shall, before implementing this instruction, report the full facts by operations memorandum headed: RECORDS MANAGEMENT. Copies of each such request shall be forwarded separately in envelopes marked: "Bureau of Security and Consular Affairs, Executive Officer" and "Visa Office, Operations and Procedures Branch".

Circular Telegram number 833 dated January 8, 1959 is hereby canceled.

HERTER (ACTING)

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